

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF SOUTH CAROLINA
BEAUFORT DIVISION**

John Carlson and Cynthia Carlson,

Plaintiffs,

v.

Matthew Adam Cooper and Asset Recovery
Services,

Defendants.

Civil Action No. 9:22-cv-03276-RMG

NOTICE OF REMOVAL

PLEASE TAKE NOTICE Defendant Asset Recovery Services, LLC (“ARS”), incorrectly named in the Complaint as “Asset Recovery Services,” with the consent and joining in of Defendant Matthew Adam Cooper (“Cooper”) (collectively, “Defendants”), by and through their undersigned counsel, hereby removes this action to the United States District Court for the District of South Carolina, Beaufort Division, pursuant to 28 U.S.C. §§ 1332, 1441, and 1446, based on the following grounds:

I. BACKGROUND

1. On August 12, 2022, Plaintiffs John Carlson and Cynthia Carson (collectively, “Plaintiffs”) filed the Complaint captioned John Carlson and Cynthia Carson v. Matthew Adam Cooper and Asset Recovery Services, Case No. 2022-CP-27-375, in the South Carolina Court of Common Pleas for Jasper County (the “State Court Action”). A copy of the Summons and Complaint and the other filings in the State Court Action are attached as **Exhibit A**.

2. According to an affidavit of service, Cooper was served with process on August 17, 2022. On September 14, 2022, Cooper timely filed an Answer. According to an affidavit of

service, ARS was served with process on August 25, 2022. Therefore, this Notice of Removal is timely pursuant to 28 U.S.C. § 1446(b).

II. GROUNDS FOR REMOVAL

3. According to the Complaint, Plaintiffs are citizens and residents of South Carolina. (Compl. ¶¶ 1–2, Ex. A). The Complaint alleges that ARS “are corporations organized and existing under the laws of some state(s) other than South Carolina[.]” (Compl. ¶ 4). ARS is a limited liability corporation organized under the laws of Georgia with its principal place of business in Georgia. Upon information and belief, no member of ARS is a citizen of South Carolina. According to the Complaint, Cooper is a citizen and resident of Georgia. (Compl. ¶ 3). Accordingly, there is complete diversity of citizenship between the parties under 28 U.S.C. § 1332(a)(2).

4. Although the Complaint does not demand a sum certain, Plaintiffs seek recovery for personal injuries caused by a June 18, 2022 motor vehicle collision. (Compl. ¶¶ 8–10). Plaintiffs allege they have sustained permanent injuries that have required medical treatment and related expenses, as well as lost wages. (Compl. ¶ 11). The Complaint alleges that Plaintiffs are entitled to actual and punitive damages. (Compl. ¶ 12, WHEREFORE ¶). In light of these allegations, the amount in controversy exceeds the \$75,000.00 jurisdictional threshold under 28 U.S.C. § 1332(a).

5. Because there is complete diversity of citizenship between the parties and the amount in controversy exceeds the requisite jurisdictional amount, this action is removable under 28 U.S.C. § 1441.

6. Venue is proper in the United States District Court for the District of South Carolina, Beaufort Division, pursuant to 28 U.S.C. § 1441(a) as it is the federal judicial district

and division corresponding to the state court action where the subject events are alleged to have occurred.

7. ARS files herewith copies of all process and pleadings in the State Court Action pursuant to 28 U.S.C. § 1446(a).

8. Pursuant to 28 U.S.C. § 1446(b)(2)(A), all defendants who have been properly served join in and consent to the removal of this action.

9. Defendants have simultaneously filed with this Notice of Removal their Answers to the Interrogatories required by Local Civil Rule 26.01.

WHEREFORE, ARS, with the consent and joining in by Cooper, hereby removes the State Court Action to this Court.

Respectfully submitted,

HALL BOOTH SMITH, P.C.

/s/ Joseph D. Thompson, III

Joseph D. Thompson, III, Federal Bar No. 6062

Email: jthompson@hallboothsmith.com

Daniel R. Fuerst, Federal Bar No. 12616

Email: dfuerst@hallboothsmith.com

111 Coleman Boulevard, Suite 301

Mount Pleasant, South Carolina 29464

Phone: 843-720-3460

Attorneys for Defendants

September 26, 2022
Mount Pleasant, South Carolina